



Montana

## Department of Labor and Industry

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March 5, 2008

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### FOR IMMEDIATE RELEASE

## City and County of Butte-Silver Bow and Butte Police Protective Association Reach Impasse in Contract Negotiations

Helena, Mont. ---- Department of Labor and Industry Commissioner Keith Kelly today announced that the City and County of Butte-Silver Bow and the Butte Police Protective Association, the representative for city police officers, have reached an impasse in their contract negotiations.

In making the announcement Kelly is carrying out the provisions of House Bill 483, signed into law by Governor Schweitzer on April 15, 2005. "The new law is a key component in maintaining the high morale of police officers as well as maintaining the efficient operation of police departments," said Kelly.

The law and its associated processes, including a final and binding interest arbitration provision, provides an efficient and effective mechanism for the resolution of labor disputes without resort to strikes, lockouts or contract implementation.

Under the new law the parties are required to submit their final offers to the mediator assigned to the case. Upon receipt of the final offers the mediator is to make them available to the public. Final offers by the union and the city are available through the Board of Personnel Appeals office or by visiting <http://dli.mt.gov>

(more)

“Interest arbitration (having an impartial outside party decide contract language based on a series of statutory standards) has been a mechanism for resolving similar issues between public employers and firefighter unions in Montana since 1979,” said Kelly. Although proven to be seldom used it is viewed as an acceptable mechanism for resolving contract issues since its inception.

“I have high hopes the same will prove true for police departments.” The mediator handling the case will continue to actively work with the parties involved. “I’m confident the parties will continue to work hard to resolve their differences and resolution short of arbitration is always possible,” he said.

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<http://data.opi.state.mt.us/bills/mca/39/31/39-31-502.htm> web reference of Montana Code Annotated

**39-31-502. Mediation of disputes.** (1) If after a 150-calendar-day period of good faith negotiation over the terms of an agreement or 150 days after certification or recognition of an exclusive representative an agreement has not been signed, either or both of the parties may notify the board of personnel appeals of the status of the negotiations and of the need for a mediator. The parties may agree to request a mediator before the end of the 150-day period. The 150-day period begins when the parties meet for the first bargaining session and each party has received the other party's initial proposal. Upon receipt of the notification, the board of personnel appeals shall appoint a mediator and notify the parties of the appointment.

(2) (a) After 15 days of mediation, either party may declare an impasse. The mediator may declare an impasse at any time during the mediation process. Written notification of an impasse must be filed with the board of personnel appeals.

(b) Within 7 days of the declaration of an impasse, each party shall submit to the mediator the final written offer of the party, including a cost summary of the offer. Within 7 days of receipt of the final offers, the mediator shall make public the final offers, including any proposed contract language and each party's cost summary addressing those issues on which the parties have failed to reach an agreement. Each party's proposed contract language must be titled "Final Offer".

(c) Within 30 days after the mediator makes public the parties' final offers, the parties may agree to and, upon agreement, shall jointly petition the board of personnel appeals to appoint a fact finder. The fact finder must be appointed as provided in [39-31-308\(2\)](#).

(d) If an agreement is not reached within 30 days after the mediator makes the final offers public or, if the parties participated in fact finding, within 30 days after the receipt of the fact finder's report, either party may petition the board of personnel appeals for binding arbitration. The petition must include a copy of each party's final offer, as provided in subsection (2)(b).

**History:** En. Sec. 2, Ch. 225, L. 2005.